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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/126,884	07/31/1998	MICHAEL C. BERTRAM	533/133	9408

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EXAMINER

NGUYEN, BRIAN D

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/126,884	BERTRAM ET AL.
Examiner	Art Unit	
Brian D Nguyen	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on the amendment filed 11/14/02 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-10 and 12-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,5-10 and 12-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) Interview Summary (PTO-413) Paper No(s). _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6 and 26 are objected to under 37 CFR 1.75 because of the following informalities:

Claim 6 is objected to because of the following informalities: “[replacement]” in line 7 should be removed.

Claim 26 is objected to as being of improper dependent form because claim 10 is a apparatus claim not a method claim. It is suggested to change “The method of claim 10” to ---
The apparatus of claim 10---.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-10, and 12-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Slattery (6,246,701).

Regarding claim 1, Slattery discloses a method for processing a transport stream (TS1, TS2, TS3) comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by periodically inserted time stamps comprising modifying packets associated with a desired time slot of a received transport stream to produce an output transport stream and transmitting the output transport stream, wherein the transmitted output transport stream includes respective modified programs having the common time base indicated by the periodically inserted time stamps provided by the received transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50 & 62-65; col. 6, lines 11-16; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; and col. 40, lines 28-30).

Regarding claims 2-3 and 5-6, Slattery further discloses examining and replacing NULL packets/programs with replacement packets/programs by inserting the replacement packets/programs into an output transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; and col. 40, lines 28-30).

Regarding claims 7-10 and 26, Slattery discloses an apparatus for processing a received transport stream comprising N time slots for transporting therein N respective programs having a common time base indicated by periodically inserted time stamps comprising a transport clock source; N transport encoders; a multiplexer for receiving and modifying packets associated with a desired time slot of one or more transport encoded program streams. The multiplexer producing a processed transport stream, wherein the processed transport stream includes respective modified programs having the common time base indicated by the periodically

inserted time stamps provided by the received transport stream and a file server coupled between the multiplexer and the N transport encoders (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; col. 29, line 41-col. 30, line 7; and col. 40, lines 28-30). Slattery implicitly discloses a frequency divider to divide a timing signal CLK from the transport clock source into N timing signals so as the bit rate of the slotted transport stream will be equal to the sum of the bit rates of the N slots.

Regarding claim 12, Slattery discloses an apparatus for processing a received transport stream comprising a plurality of time slots for transporting therein a respective plurality of programs having a common time base indicated by periodically inserted time stamps comprising a transport clock source, a plurality of encoder for receiving and encoding program streams to produce a respective encoded program stream, each of the encoded program streams being coupled to a switch via a respective buffer memory, the switch selectively coupling program stream transport packets from the buffer memories for modifying packets associated with a desired time slot to produce a slotted transport stream, wherein the slotted transport stream includes respective modified programs having the common time base indicated by the periodically inserted time stamps provided by the received transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; col. 29, line 41-col. 30, line 7; and col. 40, lines 28-30). Slattery implicitly discloses a frequency divider to divide a timing signal CLK from the transport clock source into N timing signals so as the bit rate of the slotted transport stream will be equal to the sum of the bit rates of the N slots.

Regarding claims 13, 16-17, and 21-22, Slattery further discloses a file server (40) for storing encoded program streams and selectively providing at least one encoded program stream to the switch (see Figure 1).

Regarding claims 14-15, 18-20, and 23-25, Slattery further discloses NULL transport packets, adding and deleting NULL transport packets and program packets (see elements 50 & 60 of Figure 1; col. 4, lines 62-67; col. 5, lines 48-50; and col. 10, lines 32-40).

Response to Arguments

4. Applicant's arguments filed 11/14/02 have been fully considered but they are not persuasive.

The Applicant argues that Slattery teaches the PCR's of a transport stream are restamped. Specifically, Slattery discloses a PCR normalization process where the processor schedules each transport packet to be outputted in a time slot at a particular dispatch time, corresponding to a predetermined delay in the remultiplexer node. By contrast, the Applicants' invention provides that the transmitted output transport stream includes the same periodically inserted time stamp provided by the received transport stream. That is, the Applicants' invention does not require the normalization process, as disclosed in the Slattery reference. This argument is not persuasive because in col. 10, lines 32-40, Slattery discloses that "each of the null transport packets is inserted into a time slot of the received TS to maintain the predetermined bit rate of the TS when none of the compressed program data bearing transport packets are available for insertion into the received TS at the respective transport packet time slot. The processor selectively replaces one or more of the null transport packets with another to-be-multiplexed data bearing transport

packet.”. Because the null transport packets are used and the processor selectively replaces one or more of the null transport packets with another to-be-multiplexed data bearing transport packet, the relative position of the packets within the transport stream are not changed. Therefore, restamping is not needed. In col. 25, lines 27-29, Slattery further discloses that “All PCR’s are adjusted for drift . . . unless the input and output TSs are exactly aligned in time or the PCR is received from an asynchronous communication link.” Therefore, in case where the input and output TSs are exactly aligned in time, restamping is not needed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BN
December 27, 2002



Brian Nguyen